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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/002,906	01/05/1998	THEODORE D. WUGOFSKI	450.196US1	8339

32719 7590 02/28/2003

GATEWAY, INC.  
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EXAMINER
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TRAN, HAI V

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 02/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/002,906	WUGOFSKI ET AL.
Examiner	Art Unit	
Hai Tran	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-12 and 19-29 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_ is/are allowed.

6) Claim(s) 1-12 and 19-29 is/are rejected.

7) Claim(s) \_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)      4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.

6) Other: \_\_\_\_.

## DETAILED ACTION

### ***Response to Arguments***

Applicant's arguments filed 12/12/02 have been fully considered but they are not persuasive.

Regarding claims 1-12 and 19-29, Applicant argues Schein does not teach or suggest a system that identifies **the newly added limitations** the logical channels showing an event of the user specified theme **automatically adds** each of the logical channels to the favorite channel list **without user intervention**.

Regarding the newly added limitations “automatically adds” and “without user intervention”, the Examiner cites Schein (US 6002394) Col. 16, lines 25-35 to support “the computer will include a processor and suitable software for automatically searching the database for other programs having the same criteria. The processor will **automatically place** the programs that include the designated criteria **into the selection windows...**” Thus, by placing (adding) the programs corresponding to the selection criteria (favorite criteria) in to the favorite list, Schein clearly meets the above added limitations of **automatically adds** and **without user intervention**.

Furthermore, the functions of **automatically adds** and **without user intervention** are notoriously well known in the art as disclosed in many US patents such as US 6075526 (Fig. 3); US 6408437; and US 6078348.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-12 and 19-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein (US 6002394) in view of Kostreski et al (US 5734589).

Regarding claim 1, Schein discloses a computer system for managing favorite channels (Fig. 1) based on a user specified theme (Col. 10, lines 40-Col. 11, lines 45), the computerized system comprising:

One or more favorite channel lists (Col. 10, lines 40-60 and Fig. 5), the favorite channel lists comprising one or more channels relating to the user specified theme (criteria), wherein the computerized system identifies the channels/programs showing an event of the user specified theme (criteria) and automatically adds each of channels/programs to the favorite channel list without user intervention (Col. 16, lines 25-35);

Storing one or more favorite channel lists (Col. 10, lines 55-60);

A favorites database for storing one or more favorite channel lists (Fig. 5-9; Col. 10, lines 40-45, Col. 16, lines 15-42 and Col. 18, lines 52-61)

Schein does not clearly disclose one or more logical channels of the favorite channel list related to user specified theme.

Kostreski shows one or more logical channel (Fig.5 and Col.28, lines 40-Col.29, lines 34). The secondary program maps 520a and 520b both provide the same RF and PID values for CBS, ABC, NBC and FOX; therefore, Kostreski discloses an arrangement that enables VIPs to share sources within the reserved section 522 (Col.29, lines 14-29 and Col.29, lines 35-Col.30, lines33). Furthermore, Kostreski teaches each logical channel "SEL." uniquely identifies a corresponding physical channel "VIP StarSight "for popular network such as CBS, ABC, NBC and FOX regardless the user select "VIP StarSight" or "VIP BVS"

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schein by mapping favorite channel listed to corresponding logical (virtual) channels, as taught by Kostreski, in order to present to user an list of programs (EPG) in an organized, structured format adapted for ease of use by the user as suggested by Kostreski (Col.3, lines 15-57).

Regarding claim 2, Schein further discloses an EPG (Fig.16A) content database storing a plurality of events available on one or more channels for a period of time (Col.21, lines 33-52).

Regarding claim 3, Schein further discloses wherein the user specified theme corresponds to a theme field of events in an EPG content database (Col.14, lines 60-65+ and Col.11, lines 13-45).

Regarding claim 4, Schein further discloses an EPG data services for managing the EPG content Database, the EPG data services providing functions for loading EPG

-type (category) data from one or more data services (different program sources)  
(Col.6, lines 13-Col.7, lines 43)

Regarding claim 5, Schein further discloses a favorites service providing one or more user interfaces and a plurality of management functions for each one of the favorite channel list (Fig., 5 and Col.10-60).

Regarding claim 6, Schein further discloses wherein the management functions include at least one function selected from the group of functions consisting of: adding a favorite event to one of the favorite channel lists (Fig.21B), and selecting a favorite event from one of the favorite channel lists (Col.14, lines 53-Col.15, lines 5).

Schein does not clearly disclose removing a favorite event from one of the favorite channel lists.

Official Notice is taken, the updating a relational database such as adding or removing a specific record within a database is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schein by having a function of removing a favorite event from one of the favorite channel lists so that the user could update the favorite according to their choice.

Regarding claim 7, Kostreski further discloses a channel map service for determining a physical channel number and a corresponding physical device for each one of the logical channels (Fig.5)

Regarding claim 8, see analysis of claim 1, in combination with claims 5-7.

Regarding claim 9, see analysis of claim 7.

Regarding claim 10, see analysis of claim 6.

Regarding claim 11, see analysis of claim 1.

Regarding claim 12, see analysis of claim 2.

Regarding claim 19, in combination with claims 1 and 3, regarding "identifying one or more channels showing an event of a user specified theme, wherein the step of identifying is achieved by matching one or more event themes from an EPG content database to the user specified theme," the Examiner cites (Col. 11, lines 14-46) and regarding "including each one of the channels in the favorites list" the Examiner cites (Col. 10, lines 47-55); regarding "automatically adding each of the channel to a favorite channel list wherein such adding does not require user intervention", the Examiner cites Col. 16, lines 25-35).

Regarding claims 20 and 21, see analysis of claim 3.

Regarding claim 22 and 28, see analysis of claim 2.

Regarding claims 23 and 29, Schein further discloses the step of identifying is achieved by matching one or more words in an event description from the EPG content Database to the user specific theme (Col.14, lines 53-40, Col.16, lines 15-36).

Regarding claim 24, Schein further discloses a computer (motherboard, processor, RAM, etc...Fig.1, 2, 3) comprising:

A processor (Col.4, lines 55-65);

A computer readable medium (Fig.1, Col.4, lines 57-60);

A plurality of computer instructions (Col.5, lines 1-15) executed from the computer readable medium by the processor for performing the step of identifying one or more channels showing an event of a user specified theme (Col.4, lines 53-Col.6,

lines 10) and automatically adding each one of the channels to a favorite channel list without user intervention (Col. 16, lines 25-35).

Schein's software (Fig. 13, element 316) clearly meets "the plurality of computer instructions" because "software" comprises a plurality of computer instructions.

Regarding claim 25, see analysis of claim 1-6, 24 and Col. 18, lines 10-19; lines 54-65+).

Regarding claims 26 and 27, see analysis of claim 3.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rothmuller (US 6075526) shows a method and apparatus for sorting and searching a television program guide based on user profile.

Hendricks et al. (US 6408437) shows a reprogrammable terminal for suggesting program offered on a television program delivery system.

Klosterman (US 6078348) shows television schedule with enhanced features.

### **Contact Fax Information**

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or Faxed to:** (703) 872-9314

For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (703) 308-7372. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.



ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
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HT:ht  
February 23, 2003